

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ZACHARY VERGARA, individually and on
behalf of a class of similarly situated
individuals,

Plaintiff,

v.

NINTENDO OF AMERICA INC., a
Washington corporation,

Defendant.

No. 1:19-cv-06374

Honorable Gary S. Feinerman

Magistrate Judge Jeffrey T. Gilbert

**JOINT STATUS REPORT AND
STIPULATION TO DISMISS WITHOUT PREJUDICE**

On May 21, 2020, the Court granted Defendant Nintendo of America Inc.'s Motion to Compel Arbitration. ECF No. 45. The Court also stayed this action and ordered the parties to file by September 18, 2020, a joint status report regarding any arbitration. ECF No. 44.

The Parties stipulate that the Court should dismiss this action without prejudice and have included with this submission a proposed order addressing the same.

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Dated: September 18, 2020

Zachary Vergara

By: s/ Eugene Y. Turin (with permission)
His Attorney

Eugene Y. Turin
MCGUIRE LAW, P.C.
55 W. Wacker Drive, 9th Floor Chicago, IL 60601
Telephone: 312.893.7002
Fax: 312.275.7895
Email: eturin@mcgpc.com

Dated: September 18, 2020

Nintendo of America Inc.

By: s/ Eric J. Weiss
One of Its Attorneys

Christopher B. Wilson
Kathleen A. Stetsko
PERKINS COIE LLP
131 S Dearborn Street # 1700
Telephone: 312.324.8400
Fax: 312.324.9400
Email: CWilson@perkinscoie.com
Email: KStetsko@perkinscoie.com

David J. Burman (*pro hac vice*)
Eric J. Weiss (*pro hac vice*)
Mallory Gitt Webster
PERKINS COIE LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Telephone: 206.359.8000
Fax: 206.359.9000
Email: DBurman@perkinscoie.com
Email: EWeiss@perkinscoie.com
Email: MWebster@perkinscoie.com

CERTIFICATE OF SERVICE

On this date I caused a true and correct copy of the foregoing Joint Status Report and Stipulation to Dismiss Without Prejudice to be served on each of the attorneys identified below, via the delivery methods indicated below:

Eugene Y. Turin
MCGUIRE LAW, P.C.
55 W. Wacker Drive, 9th Floor
Chicago, IL 60601
Telephone: 312.893.7002
Fax: 312.275.7895
Email: eturin@mcgpc.com

Via the Clerk's eFiling Application
 Via U.S. Mail, 1st Class
 Via Overnight Delivery
 Via Facsimile
 Via Email
 Other: _____

Attorney for Zachary Vergara

Dated: September 18, 2020

By: s/ Mallory Gitt Webster _____